



ITEM NUMBER: 15

PLANNING COMMITTEE DATE: 24 July 2024

REFERENCE NUMBER: UTT/23/3157/FUL

LOCATION: Land Adjacent Merks Hall And Orchard House
Merks Hill, Dunmow

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: 7 March 2024

PROPOSAL: Erection of 1 no. infill dwelling with associated landscaping and operational development (revised scheme following UTT/22/3478/FUL)

APPLICANT: Mr and Mrs Denham

AGENT: Mr Andrew Stevenson

EXPIRY DATE: 12th February 2024

EOT EXPIRY DATE: N/A

CASE OFFICER: Mark Sawyers

NOTATION: Outside of Development Limits
Mineral Safeguarding Area - Description: Sand/Gravel
Within 100m of Local Wildlife Site - Location: (W154,W155,W158,M12) MERKS HALL [Site No: Ufd250]
Within 250m of Ancient Woodland - Location: MERKSHALL WOOD, GREAT DUNMOW
Within 250m of Local Wildlife Site - Location: (W154,W155,W158,M12) MERKS HALL [Site No: Ufd250]
Within 250m of landfill site

REASON THIS APPLICATION IS ON THE AGENDA: Member Call In

1. **EXECUTIVE SUMMARY**

1.1 This planning application is for the proposed erection of 1 no. infill dwelling with associated landscaping and operational development (revised scheme following UTT/22/3478/FUL).

1.2 Under (UTT/22/3478/FUL) the site was not considered to be isolated, would be in proximity to a Major Settlement and within walking distance to a bus stop providing an alternative method of transport over the private motor vehicle. The Highways Authority have requested a condition regarding cycling parking in order to encourage other methods of transport.

1.3 The proposal complied with Great Dunmow Neighbourhood Plan Policies.

- 1.4 When the proposal was weighed up using the Tilted Balance, the Principle of residential development in this location was accepted.
- 1.5 This proposal seeks to overcome the previous refusal under (UTT/22/3478/FUL) which was refused on Ecological grounds and to take into consideration the setting of the Listed Building.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

A) Conditions

3. SITE LOCATION AND DESCRIPTION:

- 3.1 The application site comprises a rectangular plot of land that measures approximately 1800m². It is sited between the neighbouring dwelling of 'Orchard House' and 'Farm Cottage'.
- 3.2 The proposed site is set to the north side and towards the end of a long private drive which leads across from St Edmunds Lane to Merks Hall, which also serves as a public footpath.
- 3.3 The plot benefits from a number of trees, it is bound by post and rail fencing, and it benefits from vehicular access to the front of the site.

4. PROPOSAL

- 4.1 The application is for the erection of 1 no. infill dwelling with associated landscaping and operational development (revised scheme following UTT/22/3478/FUL).

5. ENVIRONMENTAL IMPACT ASSESSMENT

- 5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
UTT/22/3478/FUL	Erection of 1 no. infill dwelling with associated landscaping and operational development	Refusal

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The LPA is unaware of any consultation exercise carried out by the applicant for this current proposal.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection

8.1.1 The Highway Authorities consultee response can be found in Appendix 1 of this report.

9. TOWN COUNCIL COMMENTS

9.1 No response provided at the time of preparing this report.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to the imposition of conditions regarding:

- Unexpected Contamination
- Measure to control noise and dust
- External Lighting
- Electric Vehicle Charging

10.2 Place Services (Conservation and Heritage)

- 10.2.1
- Impact on setting of Heritage Asset
 - Impact on setting of non-designated Heritage Asset

10.3 Place Services (Ecology)

10.3.1 Ecology have placed a holding objection, due to insufficient ecological information on European Protected Species (Great Crested Newts).

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 8 notifications letters were sent to nearby properties.

11.2 Object

- 11.2.1
- Does not comply with Policy S7
 - Does not comply with Policy GEN1
 - Does not comply with Policy GEN7
 - Does not comply with Policy ENV8
 - Impact on Listed Building

11.3 Comment

- 11.3.1
- The required statutory consultations have been made

- The material consideration will be considered in the following report

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	ENV2	Development affecting Listed Building
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV8	Other Landscape Elements of Importance for Nature Conservation
	ENV10	Noise Sensitive Development
	ENV13	Exposure to Poor Air Quality
	ENV14	Contaminated land

13.3 Neighbourhood Plan

13.3.1 The Great Dunmow Neighbourhood Plan

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document – Accessible homes and playspace
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

14.1 The issues to consider in the determination of this application are:

- 14.2
- A) Principle of development
 - B) Design, Layout, Scale and Appearance
 - C) Heritage
 - D) Impact on Neighbours and Amenity
 - E) Biodiversity and Nature Conservation
 - F) Environmental Health
 - G) Flood Protection
 - H) Access and Parking
 - I) Accessibility
 - J) Landscaping

14.3 A) Principle of development

- 14.3.1** The site is located outside the Development Limits of Great Dunmow and therefore in the countryside for the purposes of the Local Plan.
- 14.3.2** It must be acknowledged that whilst the proposal is outside the Development Limits of Great Dunmow, there is residential development in the locality of the site.
- 14.3.3** Under previous application (UTT/22/3478/FUL), the site was not considered to be isolated, it would be in proximity to a Major Settlement and within walking distance to a bus stop providing an alternative method of transport over the private motor vehicle.
- 14.3.4** The proposal complied with Great Dunmow Neighbourhood Plan Policies.
- 14.3.5** When the proposal was weighed up using the Tilted Balance, the Principle of residential development in this location was considered to be acceptable.
- 14.3.6** The policies that this development was previously assessed against have not changed and therefore it is considered that the proposal is still acceptable and accords with the above policies and guidance insofar as they relate to principle of development.
- 14.3.7** The principle of development is considered to be acceptable and would be in accordance with Uttlesford Local Policy S7, Great Dunmow Neighbourhood Plan policies DS10 and DS11 and the National Planning policy Framework (2023).

14.4 B) Design, Layout, Scale and Appearance

- 14.4.1** Section 12 (Achieving well-designed places) of the National Planning Policy Framework attaches great importance to the design of the built environment. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 14.4.2** Strategic policies require development to be compatible with a settlement's character. Policy GEN2 provides more detail as to this consideration stating that development will not be permitted unless its design meets all of a number of criteria.
- 14.4.3** The first criterion of Policy GEN2 is that the development be compatible with the scale, form, layout, appearance and materials of surrounding buildings. The plot is adjacent to existing dwelling houses known as 'Orchard House' and 'Farm Cottage'. The proposed new dwelling is of a

size, scale and design that would be compatible with the existing character of the settlement.

Plot No	Type	Beds	Footprint (m ²)	Amenity (m ²)	Ridge Height (m)	Eaves Height (m)
1	Detached	4	gf – 152m ² ff – 127m ²	In excess of 1600m ²	7.5m 8.7m to chimney	3m, 2.8m

14.4.4 The dwelling would have a traditional design and appearance reflecting the local rural vernacular. The dwelling would be 1.5 storeys in height and would benefit from external materials of clay face brickwork, painted render and weatherboarding under a mixture of clay plain tiles and slate. No garage is proposed.

14.4.5 Whilst the dwelling would be large, it would architecturally be well-articulated with good proportions of scale whereby it would not be out of character or scale with other similar sized dwellings found within the neighbouring local countryside context.

14.4.6 In view of the plot size and shape, it is considered that the site could accommodate the proposed 1 no. dwelling without resulting in a cramped form of development that would be out of keeping with the character of the surrounding settlement and setting.

14.4.7 The Essex Design Guide recommends that dwellings with 4-no. bedrooms should have private amenity spaces of 100m².

14.4.8 The second criterion is that the development should safeguard important environmental features in its setting. There are no protected trees proposed to be removed, the proposal seeks to remove 1 no. tree on the site, with 2 no. new trees being planted in order to mitigate the loss of an existing fruit tree and the retention of existing hedgerow along with the planting of new hedgerow along the western boundary.

14.4.9 No objections to the design, layout, scale and appearance were raised within the previously refused the 2023 application (UTT/22/3478/FUL).

14.4.10 Therefore, the proposal accords with Uttlesford Local Plan Policy GEN2 and National Planning Policy Framework (2023).

14.5 C) Heritage

14.5.1 As this proposal concerns the setting of a Listed Building, Place Services Heritage have been consulted on the proposals.

- 14.5.2** Under the previously refused 2023 application (UTT/22/3478/FUL), due to the separation distance between the proposed new dwelling and the Listed Building, there being built form between the site of the new dwelling and the Heritage Asset and the low impact to the setting of the Heritage Asset, Place Services Heritage were not consulted on the application.
- 14.5.3** Due to the separation distance between the site and the Heritage Asset, a site notice was not required to be displayed on site.
- 14.5.4** The separation distance between the proposed new dwelling and the listed barn is approximately 65m taken from the eastern elevation of the proposed new dwelling. The land raises up towards the listed barn and whilst it is listed, it is noted that the western elevation of the barn benefits from additional built form obscuring the historic barn. As such there is not a direct line of sight to the Historic part of the barn.
- 14.5.5** Place services in their consultation response have identified that 'Farm Cottage' could meet the criteria within the NPPF as being classified as a non-designated Heritage Asset.
- 14.5.6** The separation distance between the proposed new dwelling and the 'Farm Cottage' is approximately 35m to the south east of the new dwelling. Due to the separation and the existing boundary treatment of the site, 'Farm Cottage' is not highly visible from within the site.
- 14.5.7** Due to the call in siting Heritage concerns, Place Services Heritage have been consulted on the proposals.
- 14.5.8** The Conservation Officer states that *"The listed barn occupies an elevated position in relation to the development site and appears in views eastwards through the garden of Orchard House. Based on the sequential approach to assessment of the contribution setting makes to the significance of heritage assets set out in Historic England's GPA Note 3 The Setting of Heritage Assets (2017), the following attributes of setting are relevant in this case in terms of the physical surroundings of both assets: topography, other heritage assets (the cottage and barn respectively), green space and vegetation, openness, and the historic functional relationship with the development site. In terms of how the assets are experienced, the surrounding landscape character, views from, towards and including the assets, tranquillity, remoteness, and a sense of seclusion all contribute to their significance."*
- 14.5.9** When attributing a weight of harm to both Heritage Asset and non-designated Heritage Asset, the Conservation Officer states *"In my opinion, the proposal will result in the lowest level of less than substantial harm to the significance of the listed barn in terms of the National Planning Policy Framework (NPPF, December 2023), making paragraphs 205, 206 and 208 relevant. It will also result in a very low level of harm to the significance of the NDHA, making paragraph 209 relevant."*

- 14.5.10** *“The local planning authority should also have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.”* In the Conservation Officers opinion they state that *“elements of the proposed design including the Juliet balcony, crown roof and large glazed roof lantern on the north side also fail to meet the requirements of paragraph 196 c) of the NPPF for the desirability of new development to make a positive contribution to local character and distinctiveness.”*
- 14.5.11** When summing up, the Conservation Officer states that *“It may be possible to mitigate the harm to the significance of the heritage assets by reducing the size of the new dwelling and moving it further to the west and north within the site, increasing the intervening distance between it and both heritage assets and maintaining more of the open landscape and views towards the listed barn.”*
- 14.5.12** Taking Conservations comments into consideration, with their concerns regarding the proposals impact to the heritage asset, the benefits and negatives will be weighed up using the Planning Balance.
- 14.5.13** Planning Balance
- 14.5.14** The NPPF describes the importance of protecting heritage assets (paragraphs 195-214).
- 14.5.15** Paragraph 205 of the NPPF advises:
“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
- 14.5.16** Paragraph 206 of the NPPF advises:
“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*
- 14.5.17** Paragraph 208 of the NPPF advises:
“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

14.5.18 Paragraph 209 of the NPPF advises:
“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

14.5.19 Positive:

- 14.5.20**
- The development could provide a small level of economic and social benefit during the installation period through the employment of tradespeople.
 - There is sufficient separation distance between the Heritage Asset, NDHA and the proposed new dwelling and existing built form between them in order to minimise harm to the setting of a heritage asset.
 - There are a number of residential dwellings already within the setting of the heritage asset, NHDA.

14.5.21 Negative:

- 14.5.22**
- The proposed development will offer little to no public benefit as it can only be described as a windfall site consisting of 1-no. dwelling.
 - The proposal is not required in order to secure the optimum viable use of the heritage asset. Therefore, any grant of permission would only be of benefit to the land owner.
 - The low level of harm towards the setting of a heritage asset and NDHA.

14.5.23 Taking both the positives and negatives of the proposal into account, it is the officers opinion that due to the lowest level of less than substantial harm towards the setting of the listed barn and the very low level of harm to the setting of the NDHA, that the level of harm caused by the development set out in this application will be balanced by the positives of the development as a whole.

14.5.24 Therefore, the proposed development would comply with the provisions of Uttlesford Local Plan Policy ENV2 and the National Planning Policy Framework (2023).

14.6 D) Impact on Neighbours and Amenity

14.6.1 Uttlesford Local Plan Policy GEN2 seeks to ensure that development does not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

14.6.2 The closest buildings to the proposed new dwelling would be the neighbouring dwelling of ‘Orchard House’ located approximately 30m

away to the western boundary, and 'Farm Cottage' approximately 35m away to the south-eastern boundary.

- 14.6.3** Whilst it is noted that there no windows in the first-floor elevation on the western elevation facing 'Orchard House', there are 3 no. skylight windows in the eastern roof elevation windows facing 'Farm Cottage', 2 no. of the skylights would service the en-suites of bedroom 1 & 2 with the 3rd skylight servicing bedroom 1.
- 14.6.4** The window(s) in the first-floor bathroom provided shall also be non-opening unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed.
- 14.6.5** Due to the scale of the proposed new dwelling at 1.5 storeys, sufficient separation distance exists in order for there not to be a loss of privacy.
- 14.6.6** At these separation distances, it is not considered that the application due to its size, scale and proposed usage would result in any material detrimental overlooking, overshadowing or overbearing, therefore would not adversely impact on neighbour's amenity due to the location of the proposed development within the site and the separation distance to any neighbours.
- 14.6.7** According to ULP Policy GEN4, development and uses will not be permitted where a) noise or vibrations generated, or b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants, would cause material disturbance or nuisance to occupiers of surrounding properties.
- 14.6.8** In order to protect the site from over development and to protect the amenities of the neighbouring dwellings, the Local Planning Authority must recommend that the dwellings Permitted Development rights are removed.
- 14.6.9** No objections are raised under Uttlesford Local Plan Policies GEN2, GEN4 and the National Planning Policy Framework (2023).

14.7 E) Biodiversity and Nature Conservation

- 14.7.1** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 14.7.2** The application includes a completed biodiversity checklist. The majority of the questions have come back negative and the agent has provided an Ecological Survey.

- 14.7.3** The agent has addressed the previous Holding Objection and the previous reason for refusal under (UTT/22/3478/FUL) which concerned the *“Ecological objection due to loss of a designated site (Local Wildlife Site), Priority habitat (Lowland Mixed Deciduous Woodland and Traditional Orchard) and irreplaceable habitat (Ancient Woodland)”*.
- 14.7.4** Essex County Council Ecology has been consulted, they are satisfied that the previous reasons for refusal have been addressed, however they have now placed a holding objection on the current application for *“due to insufficient ecological information on European Protected Species (Great Crested Newt)”*.
- 14.7.5** The Ecologist goes onto say that *“As the Ecological Survey and Assessment (Essex Mammal Surveys, December 2022) was 12 months old at the time of submission and the Ecological Appraisal (ACJ Ecology, December 2023) was a desk-based study, if consent is issued for this application, it is recommended that an updated walkover of the site is undertaken before work commences to ensure due diligence for protected and Priority species.”*
- 14.7.6** As the request for Great Crested Newts was not part of the Holding Objection and reason for refusal under (UTT/22/3478/FUL), the LPA would recommend that with any grant of planning permission, that a Great Crested Newt Survey is undertaken and that a scheme of biodiversity mitigation is submitted and submitted to the LPA within 3 months of the date of any grant of permission.
- 14.7.7** Therefore, it is considered that the proposal accords with Uttlesford Local Policy GEN7 and the National Planning Policy Framework (2023).

14.8 F) Environmental Health

- 14.8.1** Uttlesford District Council’s Environmental Health Team have been consulted and have no objections subject to conditions on electric vehicle charging points, contamination, external lighting and to ensure construction impacts are mitigated.
- 14.8.2** The proposal is not considered to have an impact on the surrounding neighbours, noise impacts or contamination issues in accordance with policies GEN4, ENV10, ENV13 and ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2023).

14.9 G) Flood Protection

- 14.9.1** The site is located within flood zone 1 as such a flood risk assessment is not required.
- 14.9.2** As such, the proposal accords with policy Uttlesford Local Plan Policy GEN3.

14.10 H) Access and Parking

- 14.10.1** Policy GEN1 requires that access must be capable of carrying the traffic generated by the development safely and that it can be accommodated on the surrounding road network. It is considered that the amount of traffic generated from the development could be accommodated and that there would be no impact upon the surrounding road network.
- 14.10.2** Essex County Council's Highways Authority have been consulted on this proposal; they have no objections subject to conditions.
- 14.10.3** Parking provision is demonstrated on the supplied plans to meet the adopted Uttlesford parking standards.
- 14.10.4** It is therefore concluded that the proposal accords with Uttlesford Local Plan Policies GEN1 and GEN8.

14.11 I) Accessibility

- 14.11.1** Uttlesford Local Plan Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

14.12 J) Landscaping

- 14.12.1** In the interests of the appearance of the site and the surrounding area, a condition requesting the submission of a scheme of hard and soft landscaping to be submitted prior to the commencement of works on site.
- 14.12.2** There are no landscaping objections towards this proposal as such it accords with ULP Policies GEN2 and ENV3.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment,

victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

16. CONCLUSION

16.1 The following is a summary of the main reasons for the recommendation:

16.2 The principle of the development is acceptable to the Local Planning Authority.

16.3 The proposed design and scale are appropriate for this location.

16.4 Due to the separation distance and limited impact of the setting of a Heritage Asset, the proposal is acceptable.

16.5 No objections have been raised regarding the impact on neighbouring dwellings.

16.6 Subject to conditions on further information, the proposal is acceptable.

16.7 No objections have been raised by Environmental Health.

16.8 No objections have been raised with regards to flooding.

16.9 The Highways Authority have no objection towards the proposal subject to conditions with any grant of permission, the parking on the site is acceptable.

16.10 The proposals would be constructed to Part M4(2) standards.

16.11 No Landscaping objections have been raised.

17. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

- 3 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- i. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

- 4 Prior to commencement, any works which will impact the resting place of Great Crested Newt, shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 5** Prior to the commencement of development (excluding footings and foundations), a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Survey and Assessment (Essex Mammal Surveys, December 2022), shall be submitted to and approved in writing by the local planning authority. This is to include the height and aspect the products will be installed at. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species and allow the Local Planning Authority to discharge its duties under the s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species), in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 6** If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment in accordance with Policy ENV14 of the Uttlesford Local Plan (2005).

- 7** Prior to occupation, the dwelling shall be provided with an electric vehicle charging points. The charging points shall be fully wired and connected, ready to use and retained thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 8** Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

REASON: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

- 9** Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

- 10** The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

- 11** The Cycle parking shall be provided in accordance with the EPOA Parking Standards.
The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. Reason: To ensure appropriate parking is provided in the interest of highway safety and amenity in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

- 12** Prior to occupation the first-floor bathroom window to the rear elevation as demonstrated on Plan No: 5840 04 and 5840 05 that form part of the development hereby approved shall be constructed with obscure glazing (minimum privacy level 3). The window(s) shall also be non-opening unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Thereafter the characteristics of the window(s) (or any subsequent replacement) shall be retained as set out above.

REASON: In order to protect the amenity of the occupants of the neighbouring property in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

- 13** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

- 14** No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

- 15** The 1-no. dwelling approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Play space.

- 16** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A - F of Part 1 of Schedule 2 and Classes A and B of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped, protect the amenities of the neighbouring dwellings and the setting of the Listed Building and non-designated heritage asset, in accordance with Policies S7, GEN2, GEN4 and ENV2 of the Uttlesford Local Plan (2005).

APPENDIX 1 – ECC HIGHWAYS COMMENTS

Your Ref: UTT/23/3157/FUL
Our Ref: 19195
Date: 6th January 2024



Director for Highways
and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/23/3157/FUL
Applicant Mr and Mrs Denham
Site Location Land Adjacent Merks Hall And Orchard House Merks Hill Dunmow
Proposal Erection of 1 no. infill dwelling with associated landscaping and operational development (revised scheme following UTT/22/3478/FUL)

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:

1. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge **Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.
2. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access. **Reason:** To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.
3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. **Reason:** To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety
4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety
5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to

the use of the development unless otherwise agreed with the Local Planning Authority.
Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

6. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
 - i. vehicle routing,
 - ii. the parking of vehicles of site operatives and visitors,
 - iii. loading and unloading of plant and materials,
 - iv. storage of plant and materials used in constructing the development,
 - v. wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

7. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. **Reason:** To ensure appropriate parking is provided in the interest of highway safety and amenity

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- v. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate

the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.

- vi. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 11 (Great Dunmow) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

A footpath is a highway over which the public has a right of way on foot. In this regard the County Council are obliged to ensure that the surface of the right of way is safe and suitable for the public users but are not responsible for making good damage or wear and tear on paths that has been caused by those exercising their private rights. The County Council is also not responsible for providing access suitable for the private rights. For instance, if a public footpath or bridleway forms vehicular access to land or property, we have no duty to ensure it is suitable for vehicles, because a public footpath or bridleway carries no public vehicular rights.

In such instances, residents or landowners possessing private rights for vehicular access are entitled to make this access useable for their purposes, but all works must be approved in advance by the Highway Authority, and only suitable contractors may be used, because the right of way is a highway.



.....
pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou
Email: eirini.spyratou@essex.gov.uk